

REQUEST FOR COUNCIL ACTION

SUBJECT: "Food Manufacturing" Text Amendment

SUMMARY: Text Amendment – Sections 13-12-1 Purpose and Scope; 13-13-8 Parkstrip Landscaping; 13-13-6 Materials and Standards; and 13-14-3 General Provisions and Regulations to allow certain exceptions for Food Manufacturing Facilities; City-wide applicability; Maxim's Utricare Inc./Papa Pita Bakery (applicant)

FISCAL IMPACT AND/OR ASSET IMPACT: None.

STAFF RECOMMENDATION: Based on the analysis and findings contained in the Staff Report, Staff recommends that the City Council amend the various sections of the 2009 City Code relating to "Food Manufacturing Facilities" as recommended by the Planning Commission.

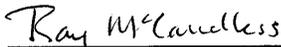
PLANNING COMMISSION RECOMMENDATION: On November 15, 2016, the Planning Commission in a 6 to 0 vote recommended that the City Council amend the text of the 2009 City Code as written in the attached ordinance.

MOTION RECOMMENDED: "Based on the information and findings set forth in this staff report and upon the evidence and explanations received today, I move that the City Council approve Ordinance 16-~~51~~, amending the text of Title 13 of the 2009 City Code.

Public Hearing Required

Roll Call vote required

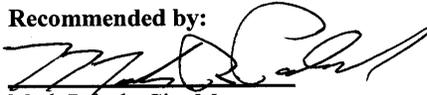
Prepared by:


Ray McCandless, Senior Planner

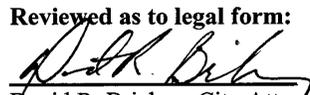
Reviewed by/Concur with:


David Oka, Development Director

Recommended by:


Mark Paless, City Manager

Reviewed as to legal form:


David R. Brickey, City Attorney

I. BACKGROUND

The applicant is requesting to amend the following Sections of the 2009 City Code:

- 13-12-1 Purpose and Scope
- 13-13-8 Parkstrip Landscaping
- 13-13-6 Materials and Standards
- 13-14-3 General Provisions and Regulations

The purpose of the proposed text amendments is to allow certain exceptions for Food Manufacturing Facilities to address specific concerns related to the Papa Pita Bakery site located at 6208 Dannon Way.

On November 15, 2016, the Planning Commission recommended that the City Council amend the text of the 2009 City Code as written in the attached ordinance.

III. ANALYSIS

The applicant, Papa Pita Bakery, is in the process of expanding their food manufacturing facility at 6208 Dannon Way. The site plan for their building addition has been approved by the City; however, the applicant has submitted a zoning text amendment application seeking relief from several code requirements that affect their food processing operations. In reviewing this request, the City Council will need to keep in mind that any text amendment to City Code has citywide application and must not be for the benefit of one person or business as noted in the findings section of this report.

The applicant has submitted a statement explaining the reasons and justifications for the proposed text amendment which is as follows:

“Papa Pita Bakery is SQF level 3 certified by an independent body NSF. This is a major requirement by many of our National customers such as Costco, Kroger, and Walmart etc.

In order to be certified annually we have to comply with certain criteria insure Public Food Safety and reduce any and all risks of Food Defense program that requires;

- *Controlled Access to the site which includes fence and controlled gate access to the property in order to secure the silos and bulk receiving ingredient stations that are located in the exterior part of our building*
- *Gate access also restricts access to the site during after-hours.*

Being a food manufacturing facility, birds create a major food safety issue entering the building.

Having any trees within the close proximity of our dock doors, allows these birds to fly in as soon as doors are open particularly at night and during winter time to take refuge inside. The process of eliminating the birds on regular basis is a very difficult task and not having any trees on the dock side of our building will tremendously help and avoid this serious food safety issues.”

The following are amendments as proposed by the applicant and Staff's response to each request. The applicant's proposed revisions are underlined:

Applicant Requested Text:

13-12-1: PURPOSE AND SCOPE (PARKING CODE)

A. Purpose: This chapter establishes standards for and maintenance of adequate but not excessive off street parking for vehicles used by persons expected to come to an establishment at any time under normal conditions for any purpose, whether as patrons, customers, guests, employees or otherwise. The parking areas shall include vehicle access and off street standing areas. This chapter is also intended to result in easily accessed parking areas that are attractively landscaped to improve their appearance and to avoid negative environmental impacts associated with large areas of paved surfaces.

Food manufacturing facilities or food distribution facilities shall be permitted to have fully gated secure sites including their access points. Gates are allowed to be closed during non-business hours, but shall be open during business hours.

Staff Recommendation: No change.

Staff's view is that unrestricted access to parking areas at all hours is not the intent of this section of the City Code. Staff sees no reason that the applicants cannot secure their property after business hours, including the parking area.

Applicant Requested Text:

13-13-8 PARK STRIP LANDSCAPING (LANDSCAPE CODE)

B. Materials And Installation:

2. Trees: Park strip trees shall be provided at the equivalent of at least one tree for each twenty five feet (25') of curb frontage. Trees may be clustered or spaced equally and shall be located to accommodate lighting, meters, fire hydrants, utility boxes, and clear vision zones. In cases where some of the required street trees cannot be placed at the minimum distance from clear vision zones, a reduction in the number of required street trees may be allowed by the zoning administrator. Street trees shall be located a minimum of ten feet (10') away from any public necessity or regulatory signs. Trees shall meet the size and growth requirements of section 13-13-6 of this chapter and shall be selected from the city of West Jordan street tree list.

Exception: For food manufacturing facilities or food distribution facilities xeriscape landscaping near loading docks are permitted without trees or low lying shrubs that would allow birds to nest or perch in. Native ornamental grasses not taller than 4' are encouraged to be placed along with decorative rock and boulders. The required Park Strip Trees are not required in areas that are next to loading docks. Trees may be moved and clustered throughout the site.

Staff Recommendation: Staff is neutral on this change; however, the City Council may approve the optional language.

Staff does not have any significant concerns with re-locating the park strip trees away from loading docks for food manufacturing facilities to other landscape areas on the site since there are not many of these facilities in the city. The only downside is that no street tree enhancements are made to the streetscape. The following is optional text for consideration (Staff's changes are underlined):

2. Trees: Park strip trees shall be provided at the equivalent of at least one tree for each twenty-five feet (25') of curb frontage. Trees may be clustered or spaced equally and shall be located to accommodate lighting, meters, fire hydrants, utility boxes, and clear vision zones. In cases where some of the required street trees cannot be placed at the minimum distance from clear vision zones, a reduction in the number of required street trees may be allowed by the zoning administrator. Street trees shall be located a minimum of ten feet (10') away from any public necessity or regulatory signs. Trees shall meet the size and growth requirements of section 13-13-6 of this chapter and shall be selected from the city of West Jordan street tree list. For a food manufacturing facility or food distribution facility, required parkstrip trees that are within 300 feet of overhead doors or loading docks may be located or relocated, in an equivalent number, to other landscaped areas on the site.

Decorative grasses, rocks and boulders are already allowed both on site and in the parkstrip with height limits, so no additional changes are needed.

Applicant Requested Text:

13-13-6: MATERIALS AND STANDARDS: (LANDSCAPE CODE)

F. Plant Coverage: Plants, including turf grasses, shall cover no less than forty percent (40%) of the ground surface of the required landscape area at maturity. Tree canopies are not included in this calculation. Tree requirements are outlined in sections 13-13-8, 13-13-9 and 13-13-10 of this chapter.

Exception: For food manufacturing facilities or food distribution facilities, the plant coverage may be reduced to 20%.

Staff Recommendation: No change.

Staff does not support this revision. There are many varieties of low growing groundcover that can be used to satisfy landscaping requirements that would not attract birds.

Applicant Requested Text:

13-14-3: GENERAL PROVISIONS AND REGULATIONS (FENCING AND SCREENING CODE SECTION)

C. Screening Of Dumpsters, Utility Equipment And Service/Loading Areas: All building mounted mechanical equipment shall be screened with integrated architectural features. All utility and mechanical equipment, dumpsters, loading areas and other utility areas commonly found outdoors shall be constructed below the natural grade and/or completely

screened with masonry fencing, with solid metal gates and landscaping, unless other materials of sufficient durability are determined by the planning commission to be more compatible with the associated development. Loading areas for delivery or freight vehicles shall be designed to provide sufficient area for the vehicles to be completely screened from public view during the loading/unloading process. Exception: If the doors are 100' or greater away from the public way, then screening is not required. Decorative wrought iron fencing would be acceptable as screening along with berming were possible. Building loading areas which face a front or corner side yard are only allowed in the M-1, M-2 and C-M zoning districts and may be approved by the planning commission upon a finding that the loading area is adequately screened from public view with landscaping or 100' or greater setback from the public way. Additional landscaping shall be installed over and above the minimum zoning requirements to sufficiently screen loading areas from public view as determined by the planning commission. In the M-1, M-2 and C-M zoning districts, bay doors no greater than eight feet (8') high and four feet (4') wide may be permitted on a building facing a front or corner side yard without screening if the doors are architecturally integrated into the facade of the building. If doors are more than 100' or greater from the public way, then no additional screening would be required.

Staff Recommendation: No change.

This modification would clearly go against the intent of the current code. Overhead doors can easily be seen from 100' from a public street. If the applicant feels that the combination of a wrought iron fence and berm provides sufficient screening, it should be reviewed by the Planning Commission as the code currently allows: "Building loading areas which face a front or corner side yard are only allowed in the M-1, M-2 and C-M zoning districts and may be approved by the planning commission upon a finding that the loading area is adequately screened from public view with landscaping". Staff recommends no change to this code section.

On November 15, 2016, the Planning Commission reviewed the request and recommend the changes as noted in the attached Ordinance (Exhibit B).

IV. FINDINGS OF FACT

Section 13-7-D-7B, requires that prior to approving a Zoning Ordinance Text Amendment, the City Council shall make the following findings:

Criteria 1: *The proposed amendment conforms to the general plan and is consistent with the adopted goals, objectives and policies described therein;*

Discussion: There are no goals and policies specific to exceptions to code requirements for food manufacturing facilities. General polices that may apply include the following:

"Maintain and improve the appearance of industrial development through additional standards for landscaping along street frontages and other buffer areas. Encourage a high level of architectural design. These standards should

be incorporated into existing sites as part of building additions or expansions when possible (Page 50)."

"Encourage unity between individual development projects through landscaping, coordinated tree plantings, and/or use of similar streetscape elements (Page 136)."

"Require street landscaping and utility equipment along prominent streets and vista corridors to frame or enhance the vista (Page 137)."

Allowing required street trees to be placed elsewhere on site for food manufacturing facilities does not appear to be contrary to the intent of the general plan as it is for one specific use where health and safety is a concern.

Finding: The proposed amendments conform to the General Plan and are consistent with the adopted goals, objectives and policies described therein.

Criteria 2: *The proposed amendment is appropriate given the context of the request and there is sufficient justification for a modification to this title;*

Discussion: Staff is of the opinion that there is sufficient justification for the proposed text amendments as recommended by staff. There is a need to maintain safety of food manufacturing businesses by deterring bird activity near loading areas through modified landscape design.

Finding: The proposed amendment is appropriate given the context of the request and there is sufficient justification for a modification to the appropriate Sections of the 2009 City Code.

Criteria 3: *The proposed amendment will not create a conflict with any other section or part of this title or the general plan; and*

Discussion: No conflicts with any other section of the 2009 City Code or General Plan are anticipated.

Finding: The proposed amendment will not create a conflict with any other section or part of the 2009 City Code or the General Plan.

Criteria 4: *The proposed amendment does not relieve a particular hardship, nor does it confer any special privileges to a single property owner or cause, and it is only necessary to make a modification to this title in light of corrections or changes in public policy.*

Discussion: Although the proposed amendment will benefit the applicant at this time, as the proposed text amendment applies citywide meaning that other food manufacturing businesses in the city may utilize the proposed changes to City Code in the future.

Finding: The proposed amendment does not relieve a particular hardship, nor does it confer any special privileges to a single property owner or cause, and it is only necessary to make a modification to this title(s) in light of corrections or changes in public policy.

Conclusion:

The proposed text amendments as recommended by the Planning Commission are warranted based on the need to amend the city code to address health and safety concerns associated with food manufacturing businesses. The proposed amendments are not contrary to any current goals and policies in the General Plan or conflicting with Title 13 (Zoning Code) of the 2009 City Code.

VII. ATTACHMENTS:

Exhibit A – Planning Commission Minutes

Exhibit B – Legislative Draft Ordinance



Melanie S. Briggs, MMC
City Clerk

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West Jordan, Utah 84088
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THE CITY OF WEST JORDAN, UTAH
NOTICE OF PUBLIC HEARING

The City of West Jordan City Council will hold a public hearing on **Wednesday, December 21, 2016, at 6:00 p.m.** at the West Jordan City Hall 8000 South Redwood Road, 3rd Floor, Council Chambers, to receive public comments prior to considering amending the 2009 West Jordan Municipal Code regarding Certain Exceptions for Food Manufacturing Facilities: Section 13-13-8 Parkstrip Landscaping; Section 13-13-6 Materials and Standards; and 13-14-3 General Provisions and Regulations; City-wide applicability; Maxim's Utricare Inc./Papa Pita Bakery, applicant. Copies of the City Council agenda packet for the items listed below will be available at the City offices, or on the City Council Agenda webpage the Friday prior to the meeting.

Published this 10th day of December 2016
Melanie S Briggs, MMC
City Clerk

THE CITY OF WEST JORDAN, UTAH
NOTICE OF PUBLIC HEARING

The City of West Jordan City Council will hold a public hearing on **Wednesday, December 21, 2016, at 6:00 p.m.** at the West Jordan City Hall 8000 South Redwood Road, 3rd Floor, Council Chambers, to receive public comments prior to considering amending the 2009 West Jordan Municipal Code Title 13 to allow Indoor Secured Self-storage as a Conditional Use in the SC-2 Zone; City-wide applicability; JHB Realty Advisors/Jeffrey H Bernson, applicant. Copies of the City Council agenda packet for the items listed below will be available at the City offices, or on the City Council Agenda webpage the Friday prior to the meeting.

Published this 10th day of December 2016
Melanie S Briggs, MMC
City Clerk

November 15, 2016 Planning Commission Minutes

See Attached

Exhibit A Planning Commission Minutes

4. Text Amendment – Sections 13-12-1 Purpose and Scope; 13-13-8 Parkstrip Landscaping; 13-13-6 Materials and Standards; and 13-14-3 General Provisions and Regulations to allow certain exceptions for Food Manufacturing Facilities; City-wide applicability; Maxim’s Utricare Inc./Papa Pita Bakery (applicant) [#11200]

Andrew Bollschweiler, AE URBIA Architects, explained that Papa Pita is SQF Level 3 certified by an independent body and is a requirement for national customers such as Costco, Kroger, Walmart, etc. In order to be certified they have to comply with certain certifications regarding public food safety and reducing any and all risk of Food Defense Program requirements. The amendments address controlled access to the site with the gate and fence, and also reducing landscaping in order to keep birds from flying into the facility.

Josh Suchoski asked if it is a big problem to clear out bird nests periodically.

Farzad Mohebbi, owner of Papa Pita bakery, said whenever there is a tree a lot of birds go in it for protection from the sun and weather. There is a 24/7 operation and as soon as the dock doors open they fly in. They do everything they can not to harm them, but once they get into a food facility they become very difficult to catch and release. Most of the time they have to shoot the bird, which causes other problems for a food facility. Food safety is very important, and SQF Level 3 is the highest food safety program you can have. When the product is sold nationwide there are a lot of safety issues. They have two unannounced audits per year and if there is a bird it is a major violation. With two major violations they can lose their certification. He isn’t opposed to having trees for beautification, but having any kind of trees or tall shrubbery attracts birds. At times there are so many birds you would think there is a major food source for them. They’ve had this certification for the last 4 years. Certain national programs require it when you put their name on the product, and the reason they are expanding is due to the acquisition of these national accounts.

Dan Lawes asked why they didn’t bring this issue forward at the time they applied for street facing bay doors with screening.

Andrew Bollschweiler said after discussions with staff they proceeded to show the trees on the plan so they could move forward with construction with the idea of asking for the text amendment later to solve the bird problem. They are aware of the screening requirement.

Dan Lawes said the trees were a specific condition. He asked if it is a make or break situation.

Farzad Mohebbi said they have invested \$400,000 so far. When he came here six years ago from Salt Lake City they met with the Economic Development Committee and the City and felt that West Jordan was understanding and accommodating of his type of business, so he proceeded in good faith that this wouldn’t be an issue. It is still a beautiful property. He didn’t know if it is a make or break and would have to consider it after the decision is made.

Dan Lawes referred to Dunford Bakers in West Jordan that has trees near the loading doors.

Farzad Mohebbi said Dunford is not SQF Level 3 certified, but they are local, and he didn't know if they are a 24/7 operation. He couldn't speak for Dunford, but his is only one of two bakeries in Utah that have this certification.

Josh Suchoski was aware of systems with strips of screening that get pushed out of the way when trucks back in.

Farzad Mohebbi said they have put spikes on the building so birds can't perch. The strips can damage or squeeze their product, because the majority is fresh delivery going to a store and not in boxes. They do have these strips at their entrances but not on the dock doors.

Andrew Bollschweiler said they are installing dock seals and doing everything they can to eliminate the problem.

Dan Lawes said the text amendment can't relieve a particular hardship nor confer any special privilege to a single property owner or cause.

Andrew Bollschweiler said everything they have talked about with staff was for food manufacturing and distribution type of facilities in general. It isn't for this property alone.

Kelvin Green asked for an explanation regarding the request for xeriscape and how it relates to birds, instead of using sod or something else. He asked about the reduction from 40% to 20% plant coverage when there are many types of low growing plants.

Farzad Mohebbi said xeriscape is more expensive than landscaping and it adds to beautification with the decorative rocks, but they prefer anything that prohibits or reduces bird shelter. Lawn is not water conserving and most lawns in industrial parks aren't well cared for.

Andrew Bollschweiler said they have listed ornamental grasses because they can't perch in the grass. Birds don't necessarily have nests nearby, but they will find anything they can to perch on and wait until the doors open. The reduction in plants along the docks is just to help eliminate birds, but they could do 40% shrubs in front. He thought there was a provision in the proposed ordinance that would keep the percentages, but allow them to be clustered on other parts of the property.

Farzad Mohebbi said his initial request was for xeriscape only. But after meeting with staff they decided to ask for a reduction instead. Twenty percent provides for half the opportunities for birds. It won't eliminate every chance. Another amendment would allow them to close the gate during non-business hours, which is only a few days a year. The Food Terrorism Act changed a lot of laws, and one was that there is no access to places where food could be tampered with. Their bakery has multiple silos, flour, various liquids that are in bulk, which are locked, but they are outside. So they need to shut down access to them. Many facilities have a full-time gate and guard to monitor all in and out, but they are not at that level yet.

Ray McCandless said it is important to recognize that any time the code is amended it applies city-wide. In Section 13-12-1 it talks about gated and secured sites, staff didn't see a reason that the applicant can't secure the facilities as long as the fence meets height and setback provisions and the fire department has access in case of emergency. Staff recommended no change to this part of the code.

Section 13-13-8 addresses the concern of trees. Staff is neutral on the change and felt if the loading doors are within 300 feet of the parkstrip then an equivalent number could be located elsewhere on the site. Section 13-13-6 has a request to reduce it to 20%, but if the Planning Commission thinks there are other types of plants that will remedy the bird situation then staff didn't see the need to change that. In Section 13-14-3 the applicant is recommending that if the doors are greater than 100' from the public way screening is not required. Staff felt this is more of a site plan or conditional use related issue, and staff didn't think 100 feet is adequate for no screening.

Staff recommended that the Planning Commission accept the findings contained in the staff report and forward a positive recommendation to the City Council for the proposed text amendments to Title 13 to allow certain exceptions for Food Manufacturing Facilities.

Scott Langford said as other industrial projects for street facing bay doors have come before the Commission, they have recommended other solutions such as architectural enhancements to the doors and building, which is available to the Commission along with distance from right-of-way.

Dan Lawes asked if a combination of architectural enhancements to the door and a decorative wrought iron fence would come close to meeting the intent of the screening requirement.

Scott Langford thought that it would. He also pointed out that the plant coverage and tree requirements are different.

Dan Lawes opened the public hearing.

Further public comment was closed at this point for this item.

Josh Suchoski said it bothered him that the Commission reviewed this item for screening of front loading doors and now they are asking for it to be modified. However, he did see where there would be an issue with the birds. The city should be looking at the health and safety for everyone including residents and businesses. So, anything they could do to help businesses it would be in the best interest of the city. He was leaning toward some of the changes since it would benefit all of those businesses.

Kelvin Green echoed the direction this was going, but he didn't want to create too many exceptions in the code. He couldn't see the difference between 20% and 40% plant coverage and there are a lot of plants that can be incorporated in xeriscape, so that section is unnecessary. The section regarding the gate is unnecessary. He thought that moving the trees to another location is fine. He personally didn't care whether or not dock doors are screened in an M-1 zone, but the intent is to make them more pleasant. He agreed that architectural additions help alleviate the issues that screening was to prevent. He didn't like berming 'where possible', because you either do it or don't. He didn't like the verbiage regarding doors greater than 100' have no screening required, because the intent and purpose of the ordinance is for some screening, so they could use a combination of something like wrought iron fencing and architectural features, etc.

David Pack said he wants to be business friendly and the applicant has made a significant investment in the City of West Jordan. He could see the fear of exceptions, but not one size fits all. There are pertinent reasons why food manufacturing would be different than sheet metal roofing in terms of

cleanliness and food certification quality. He is for allowing the trees to be moved to other areas. There is double the chance of birds with 40% shrubbery than with 20%.

Josh Suchoski felt as laws change with the Food Security Act and such we have a responsibility to look at our laws to see if they mesh. There are a lot of antiquated laws and when one changes and other stay the same it becomes a problem. He wanted to strike the wording in Section 13-14-3 regarding no screening for distances 100 feet or greater. He would like to say that when front loading doors are viewed from the street then they may be screened by vegetation and trees or they may have a combination of design elements that would be approved by both the Design Review Committee and the Planning Commission.

MOTION: Kelvin Green moved to forward a recommendation to the City Council that the amendment regarding gates in 13-12-1 is unnecessary; Section 13-13-8 about xeriscaping to adopt the optional staff's recommendation on trees located on the bottom of page 3 and the top of page 4 of the staff report. Recommending that Section 13-13-6 not be approved. And recommending that 13-14-3 be approved with the following modification: "Loading areas for delivery or freight vehicles shall be designed to provide sufficient area for the vehicles to be completely screened from the public view during loading/unloading process. Exception: if the doors are in view of the street they be screened with trees and shrubbery or have a combination of decorative design elements that are approved by both the Design Review Committee and the Planning Commission". The applicant's exception regarding doors more than 100' from the public way be stricken. The motion was seconded by Josh Suchoski.

MOTION: Josh Suchoski moved to dispense with rules to allow the applicant to comment on the motion. The motion was seconded by Kelvin Green and passed 6-0 in favor. Judy Hansen was absent.

Andrew Bollschweiler wanted to clarify that staff told them they needed the amendment regarding gating in front of the public parking. He said that the Commission's recommendations will be helpful to their operations.

Scott Langford said since that time he made an interpretation that it can be gated and the amendment isn't needed.

Farzad Mohebbi said this was his first experience with the Commission and there were some great points made. He wanted to make sure they knew that from the beginning there was never intent to do one thing and then change. From the beginning he met with the City and expressed his concerns. But because of the delay that it would cause for construction of their project it was recommended that he get site plan approval first and then do the text amendment. He also liked the point that was made regarding antiquated laws and that they should mesh together. Building a gate is more expensive for him, but in the end this and the other changes provide for food safety. He thanked them for their consideration.

VOTE: The motion passed 6-0 in favor. Judy Hansen was absent.

Proposed Legislative Draft Ordinance

See Attached

Exhibit B Proposed Legislative Draft Ordinance

THE CITY OF WEST JORDAN, UTAH
A Municipal Corporation

ORDINANCE NO. 16-~~5~~⁵⁴
[FOOD MANUFACTURING]

AN ORDINANCE AMENDING TITLE 13, "ZONING REGULATIONS."

WHEREAS, the City of West Jordan adopted a City Code in 2009, for the purpose of carrying into effect and discharging all powers and duties conferred by law upon the city and its officers, employees and inhabitants, and to provide for the safety, preserve the health, promote the prosperity, improve the morals, peace, good order, comfort and convenience of the city and its inhabitants, and to protect property in the city; and

WHEREAS, the West Jordan City Council finds and determines that the purpose of the 2009 City Code, and the public health and welfare, will best be reached by the adoption of the following amendments to Title 13, Chapters 13 and 14 of the 2009 City Code.

NOW THEREFORE, IT IS ORDAINED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF WEST JORDAN, UTAH:

Section 1. Title 13, Chapter 13, Section 8 of the 2009 City Code shall hereafter read as follows:

13-13-8: PARK STRIP LANDSCAPING:

- A. Intent: The intent of these park strip landscaping standards is to uphold city landscape design goals and also increase safety along roadways, prohibit materials that may cause harm or injury to pedestrians or vehicles, provide safe and convenient access across park strips to and from parking areas, allow access for repair and maintenance of public utilities, and uphold intersection sight triangle requirements of section 13-13-6 of this chapter. The park strip landscape requirements for single-family and two-family residential developments are contained in subsection 13-13-11B1b of this chapter.
- B. Materials And Installation:
1. Irrigation: All park strips that contain any plants or trees shall be irrigated. Irrigation shall meet the standards of sections 13-13-6 and 13-13-7 of this chapter.
 2. Trees: Park strip trees shall be provided at the equivalent of at least one tree for each twenty five feet (25') of curb frontage. Trees may be clustered or spaced equally and shall be located to accommodate lighting, meters, fire hydrants, utility boxes, and clear vision zones. In cases where some of the required street trees cannot be placed at the minimum distance from clear vision zones, a reduction in the number of required street trees may be allowed by the zoning administrator. Street trees shall be located a minimum of ten feet (10') away from any public necessity or regulatory signs. Trees shall meet the size and growth requirements of section 13-13-6 of this chapter and shall be

selected from the city of West Jordan street tree list. For a food manufacturing facility or food distribution facility, required park strip trees that are within 300 feet of overhead doors or loading docks may be located or relocated, in an equivalent number, to other landscaped areas on the site.

3. Tree Grates: Tree wells with grates shall be provided in areas where paved surfaces surround the tree.

4. Plants:

a. Not less than seventy five percent (75%) of shrubs, herbaceous perennial and ground cover plants used in the park strips shall be water conserving species, selected from the city of West Jordan recommended plant list. This list is in the landscape guidelines handbook which is available on the city's development department webpage or at the city's development office. Plants, shall meet the size and growth standards outlined in section 13-13-6 of this chapter.

b. Up to twenty five percent (25%) of the plant coverage in the park strip may be turf grass. Turf is not permitted in park strips with a slope greater than thirty percent (30%). Permeable artificial turf may be substituted for turf grass.

c. Plants shall be of sufficient number and spacing to provide forty percent (40%) surface coverage at maturity, not including tree canopies. For properties with two (2) or more street frontages, the adjacent park strip on each street frontage is calculated separately.

d. Plants in park strips shall not exceed thirty inches (30") in height. Plant spacing in park strips shall allow visual and physical access between the street and sidewalk as needed. Plantings that create solid barriers are prohibited. Thorn bearing plants are prohibited.

e. All landscaping in park strips shall comply with the intersection sight triangle requirements of section 13-13-6 of this chapter.

5. Mulch: Mulch shall meet the requirements of section 13-13-6 of this chapter.

6. Hardscape, Ornamental Gravel, Rocks And Boulders: Gravel, rocks and boulders may be used as a landscape material on up to sixty percent (60%) of the park strip area. Mulch shall be sized and placed to prevent it from migrating out of the landscape area onto adjacent roads or walkways.

Pavers, pavement and other hardscape are permitted in park strips subject to the following limitations:

a. Pavers: Ornamental concrete, brick or natural stone pavers, may be used in up to sixty percent (60%) of a park strip's area.

b. Pavement: Asphalt is prohibited in park strips. Solid concrete pavement may be permitted in the following cases:

- (1) As a pedestrian pathway, as outlined in this section; or
- (2) In existing park strips under twenty four inches (24") in width;

c. **Materials Near Street Trees:** All paving materials shall be kept a minimum of twenty four inches (24") away from the outer edge of the trunk at expected maturity. This standard also applies to parking areas surrounding street trees.

7. **Pedestrian Pathways:** Pedestrian pathways are allowed to provide safe and convenient access across/through planted park strips between the street and sidewalk. Poured concrete or pavers may be used. The pathway shall be not more than five feet (5') wide and shall be located to provide the most direct route from the street to the sidewalk. The area of pedestrian pathways shall be included in calculating the percentage of nonplant material in the park strip.

8. **Permanent Structures:** Retaining walls, fences, steps and other similar structural encroachments are prohibited, unless specifically approved by the city.

C. **Adopted Streetscape Plans:** A streetscape plan is required in those cases where a wall is required between a development and an arterial or collector street. The plan shall show in detail the landscape treatment of the space between the wall and the street curb line.

1. Where an adopted streetscape plan is in place, the developer shall follow such plan.

2. Where no adopted streetscape plan is in place, the developer shall coordinate with city staff and receive approval from the planning commission through the subdivision or site plan process on development of a streetscape plan and on the installation of the irrigation system and plant materials. (2001 Code § 89-6-708; amd. 2009 Code; Ord. 10-09, 2-24-2010; Ord. 11-01, 3-23-2011; Ord. 13-17, 4-24-2013; Ord. 16-__, 12-21-2016)

Section 2. Title 13, Chapter 14, Section 3 of the 2009 City Code shall hereafter read as follows:

13-14-3: GENERAL PROVISIONS AND REGULATIONS:

A. **Rule Of Construction:** The terms "walls" and "fences" may also include hedges, berms or similar unroofed landscape features.

B. **Screening Of Outside Storage And Operation Areas:**

1. A masonry wall or solid metal fencing shall be required to screen outside storage and operation areas from public streets.

2. A chainlink fence with slats or other opaque fence or wall shall be required along side and rear property lines to screen areas of outside storage and operations up to and including the gate.

3. Fences used to screen outside storage and operations areas shall be not less than six feet (6') high. Fences greater than eight feet (8') high may be approved by the planning commission upon a finding that increased height for screening is necessary to reduce impacts on surrounding properties.

4. Materials within twenty feet (20') of the fence may not be stored higher than the fence.

- C. **Screening Of Dumpsters, Utility Equipment And Service/Loading Areas:** All building mounted mechanical equipment shall be screened with integrated architectural features. All utility and mechanical equipment, dumpsters, loading areas and other utility areas commonly found outdoors shall be constructed below the natural grade and/or completely screened with masonry fencing, with solid metal gates and landscaping, unless other materials of sufficient durability are determined by the planning commission to be more compatible with the associated development. Loading areas for delivery or freight vehicles shall be designed to provide sufficient area for the vehicles to be completely screened from public view during the loading and unloading process. Exception: If the doors are in view of the street, they shall be screened with trees and shrubs; or have a combination of decorative design elements; as reviewed by the Design Review Committee and as approved by the Planning Commission. Building loading areas which face a front or corner side yard are only allowed in the M-1, M-2 and C-M zoning districts and may be approved by the planning commission upon a finding that the loading area is adequately screened from public view with landscaping. Additional landscaping shall be installed over and above the minimum zoning requirements to sufficiently screen loading areas from public view as determined by the planning commission. In the M-1, M-2 and C-M zoning districts, bay doors no greater than eight feet (8') high and four feet (4') wide may be permitted on a building facing a front or corner side yard without screening if the doors are architecturally integrated into the facade of the building.
- D. **Waterways, Canals And Ditches:** All open waterways, canals and ditches shall be either piped or fenced with a six foot (6') fence. The planning commission or zoning administrator shall approve the fencing material, which may include wrought iron fencing. If the city engineer determines that natural waterways or established parkways have a limited or intermittent flow which poses no undue hazard to normal human activity, then the natural waterway or established parkway may be exempted from this requirement.
- E. **Wall/Fencing Between Uses Of Different Intensities:** Where a new development is determined to be more intensive than an existing use on adjacent property which has a different zoning designation, the planning commission or zoning administrator shall require one of the following:
1. A masonry wall;
 2. A decorative concrete wall that is comparable to or exceeds the durability, performance, and appearance of a masonry wall;
 3. An opaque fence of other durable material as approved by the planning commission or zoning administrator; or

4. A satisfactory landscaped buffer or open space that includes berming, trees and hedges to adequately buffer the conflicting uses.

F. **Temporary Construction Fencing:** Temporary construction fencing shall be installed along appropriate boundaries as recommended by the zoning administrator. Temporary fencing shall be installed prior to the issuance of any building permit where required to contain blowing refuse. The construction fence shall remain in place until the final bond release or until ninety percent (90%) of the development is completed. The construction fence shall be chainlink.

G. **Streetscape Walls:** Unless otherwise approved by the planning commission or city council, a minimum six foot (6') high opaque masonry or lightweight precast fiber reinforced concrete wall shall be constructed along the inside edge of the sidewalk in the street right of way or in the back of a landscaped area along other public streets, corridors or trail rights of way, or where residential subdivisions abut arterial or collector streets. Masonry walls shall be constructed with masonry pillars at twenty foot (20') intervals that extend at least three inches (3") from the surface of the wall panels. A precast concrete cap shall be placed on the top of each pillar. The wall shall be constructed to prevent weed growth between the sidewalk and the wall. A mow strip shall be installed between the wall pillars to inhibit weed growth. A permanent, nonporous sealer, approved by the city engineer, shall be applied to the street side surfaces of masonry walls to facilitate cleaning.

1. **Exceptions To Masonry Wall Requirement:**

a. The planning commission or city council may approve continuing a theme and/or color of a residential right of way fence/wall to match an adjoining fence/wall that has been previously approved.

b. The planning commission may approve a decorative concrete wall if it is demonstrated that the construction is comparable to or exceeds the durability, performance and appearance of a masonry wall.

c. After receiving a recommendation from the urban forester, the planning commission may approve a specific streetscape design which includes a nonmasonry wall, trees, shrubs and other suitable landscaping materials.

2. **Maintenance:** Upon completion of a permanent wall/fence by the developer and acceptance by the city, the abutting property owners shall assume full responsibility for its maintenance and shall not hold the city responsible for defects of workmanship, maintenance, repair or liabilities of any nature arising from the construction or intended use of said wall/fence. (2001 Code § 89-6-803; amd. 2009 Code; Ord. 10-09, 2-24-2010; Ord. 13-17, 4-24-2013; Ord. 16-___, 12-21-2016)

Section 3. Additions or amendments to the 2009 City Code when passed in such form as to indicate the intention of the city council to make the same a part of the 2009 City Code shall be deemed to be incorporated in the 2009 City Code, so that reference to the 2009 City Code hereafter includes the additions and amendments.

Section 4. This Ordinance shall become immediately effective.

Passed and adopted by the City Council of the City of West Jordan, Utah this 21st day of December, 2016.

CITY OF WEST JORDAN

By: _____
KIM V. ROLFE
Mayor

ATTEST:

MELANIE S. BRIGGS, MMC
City Clerk

| Voting by the City Council | “AYE” | “NAY” |
|---------------------------------|-------|-------|
| Council Member Dirk Burton | _____ | _____ |
| Council Member Jeff Haaga | _____ | _____ |
| Council Member Zach Jacob | _____ | _____ |
| Council Member Chris McConnehey | _____ | _____ |
| Council Member Chad Nichols | _____ | _____ |
| Council Member Sophie Rice | _____ | _____ |
| Mayor Kim V. Rolfe | _____ | _____ |

CITY CLERK/RECORDER'S CERTIFICATE OF PUBLICATION

I, Melanie S. Briggs, certify that I am the City Clerk/Recorder of the City of West Jordan, Utah, and that the foregoing ordinance was published in the Legal Section, of the Salt Lake Tribune, on the _____ day of _____, 2016, pursuant to Utah Code Annotated, 10-3-711.

MELANIE S. BRIGGS, MMC
City Clerk/Recorder

[SEAL]

Legislative

13-13-8: PARK STRIP LANDSCAPING:

- A. Intent: The intent of these park strip landscaping standards is to uphold city landscape design goals and also increase safety along roadways, prohibit materials that may cause harm or injury to pedestrians or vehicles, provide safe and convenient access across park strips to and from parking areas, allow access for repair and maintenance of public utilities, and uphold intersection sight triangle requirements of section 13-13-6 of this chapter. The park strip landscape requirements for single-family and two-family residential developments are contained in subsection 13-13-11B1b of this chapter.
- B. Materials And Installation:
1. Irrigation: All park strips that contain any plants or trees shall be irrigated. Irrigation shall meet the standards of sections 13-13-6 and 13-13-7 of this chapter.
 2. Trees: Park strip trees shall be provided at the equivalent of at least one tree for each twenty five feet (25') of curb frontage. Trees may be clustered or spaced equally and shall be located to accommodate lighting, meters, fire hydrants, utility boxes, and clear vision zones. In cases where some of the required street trees cannot be placed at the minimum distance from clear vision zones, a reduction in the number of required street trees may be allowed by the zoning administrator. Street trees shall be located a minimum of ten feet (10') away from any public necessity or regulatory signs. Trees shall meet the size and growth requirements of section 13-13-6 of this chapter and shall be selected from the city of West Jordan street tree list. For a food manufacturing facility or food distribution facility, required park strip trees that are within 300 feet of overhead doors or loading docks may be located or relocated, in an equivalent number, to other landscaped areas on the site.
 3. Tree Grates: Tree wells with grates shall be provided in areas where paved surfaces surround the tree.
 4. Plants:
 - a. Not less than seventy five percent (75%) of shrubs, herbaceous perennial and ground cover plants used in the park strips shall be water conserving species, selected from the city of West Jordan recommended plant list. This list is in the landscape guidelines handbook which is available on the city's development department webpage or at the city's development office. Plants, shall meet the size and growth standards outlined in section 13-13-6 of this chapter.
 - b. Up to twenty five percent (25%) of the plant coverage in the park strip may be turf grass. Turf is not permitted in park strips with a slope greater than thirty percent (30%). Permeable artificial turf may be substituted for turf grass.
 - c. Plants shall be of sufficient number and spacing to provide forty percent (40%) surface coverage at maturity, not including tree canopies. For properties with two (2) or more street frontages, the adjacent park strip on each street frontage is calculated separately.
 - d. Plants in park strips shall not exceed thirty inches (30") in height. Plant spacing in park strips shall allow visual and physical access between the street and sidewalk as needed. Plantings that create solid barriers are prohibited. Thorn bearing plants are prohibited.
 - e. All landscaping in park strips shall comply with the intersection sight triangle requirements of section 13-13-6 of this chapter.

5. Mulch: Mulch shall meet the requirements of section 13-13-6 of this chapter.
6. Hardscape, Ornamental Gravel, Rocks And Boulders: Gravel, rocks and boulders may be used as a landscape material on up to sixty percent (60%) of the park strip area. Mulch shall be sized and placed to prevent it from migrating out of the landscape area onto adjacent roads or walkways.

Pavers, pavement and other hardscape are permitted in park strips subject to the following limitations:

- a. Pavers: Ornamental concrete, brick or natural stone pavers, may be used in up to sixty percent (60%) of a park strip's area.

- b. Pavement: Asphalt is prohibited in park strips. Solid concrete pavement may be permitted in the following cases:

- (1) As a pedestrian pathway, as outlined in this section; or
- (2) In existing park strips under twenty four inches (24") in width;

- c. Materials Near Street Trees: All paving materials shall be kept a minimum of twenty four inches (24") away from the outer edge of the trunk at expected maturity. This standard also applies to parking areas surrounding street trees.

7. Pedestrian Pathways: Pedestrian pathways are allowed to provide safe and convenient access across/through planted park strips between the street and sidewalk. Poured concrete or pavers may be used. The pathway shall be not more than five feet (5') wide and shall be located to provide the most direct route from the street to the sidewalk. The area of pedestrian pathways shall be included in calculating the percentage of nonplant material in the park strip.

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